AMENDMENT 14

to the

OFFICIAL PLAN (1988)

of the

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

92-00033/

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

BY-LAW NO. 81 OF 1991

A By-Law to adopt Amendment 14 to the Official Plan of the Regional Municipality of Ottawa-Carleton

The Council of the Regional Municipality of Ottawa-Carleton, pursuant to Sections 17 and 21 of The Planning Act, 1983, enacts as follows:

1. Amendment 14 to the Official Plan of the Regional Municipality of Ottawa-Carleton, consisting of an explanatory text is hereby adopted.

2. The Clerk shall apply to the Minister of Municipal Affairs for the approval of the said Amendment 14.

3. This By-law shall come into force and take effect on the day of its final passing.

ENACTED and passed this 10th day of APRIL , 1991.

Elsie Brown
CLERK

CHAIRMAN

Amendment 14

Official Plan of the Regional Municipality of Ottawa-Carleton

Purpose

The purpose of Amendment 14 is to include policies in the Regional Official Plan that will protect abandoned railway rights-of-way for future public use. The intended use of railway rights-of-way acquired by the Region is to assist in the satisfaction of Ottawa-Carleton's long-range transportation and utility needs.

Basis

A new act concerning federal transportation policy, The National Transportation Act (1987), became effective on January 1, 1988. This legislation extends the jurisdiction of the National Transportation Agency to order abandonment over a greater number of railway rights-of-way, including those where VIA currently operates passenger services. If VIA does not exercise its first right to purchase a right-of-way that has fulfilled all other conditions for abandonment, then the National Transportation Agency must order its abandonment. However, once abandoned, the National Transportation Agency has no guidelines or authority for the disposal of rights-of-way, which revert to the status of private property. In the case of CN Rail and Via Rail the National Capital Commission holds statutory approval powers regarding the disposal of all surplus properties within the National Capital Region. Council assumes that it is more appropriate that the federal or provincial government acquire these rights-of-way.

This Regional Official Plan Amendment is meant as an interim measure to safeguard the nature of railway rights-of-way as unbroken corridors for public use. It is hoped that, in the future, provincial legislation or policy will be enacted to provide for this protection.

In order to more fully realize Council's intentions, a policy statement dealing with the protection and acquisition of abandoned railway rights-of-way primarily for future transportation and utility corridors is needed. Amendment 14 will introduce Section 11.7, policies 29 and 30 to Part 11 of the Regional Official Plan for this purpose.

The Amendment

1. Part 11, Transportation, is hereby amended by adding Section 11.7, Abandoned Railway Rights-Of-Way and Policies 29 and 30 as follows:

"11.7 **ABANDONED RAILWAY RIGHTS-OF-WAY**

Council recognizes the importance of planning and protecting future transportation and utility corridors before development takes place. Should abandoned railway rights-of-way be allowed to be broken up into several land holdings or converted to uses incompatible with public uses, and in particular transportation and utility uses, an important opportunity would be lost. Council intends to protect abandoned railway rights-of-way as continuous corridors for public use.

In summary:

29. Council supports and encourages the acquisition of abandoned railway rights-of-way by the federal or provincial government. In the event Via Rail or the federal or provincial government does not acquire abandoned railway rights-of-way, Council shall, subject to satisfactory negotiations with the railways, purchase abandoned railway rights-of-way for use as future transportation and utility corridors. Spurs and other associated railway corridor properties will also be considered for purchase.

30. All abandoned railway rights-of-way, regardless of their ownership, shall be used for transportation facilities, utility corridors, outdoor recreation, parks, and open space. For those rights-of-way which the Region acquires, recreational and agricultural uses shall be considered interim and will only be permitted where the use is compatible with the use of abandoned railway rights-of-way as future transportation and utility corridors. The construction of a transportation or utility corridor will always have priority over any interim use".